

### **EXAMINER'S AMENDMENT**

1. Authorization for this examiner's amendment was given in a telephone interview with Applicants' Attorney, Guy Yonay on Feb 09, 2009. Examiner proposes the following changes in order to put the application in condition for allowance.

In Claim 17, at line 5, replace "a processor to create" with – a processing means for creating --. And at line 9, replace "said processor is to determine" with – said processing means is further for determining --.

### ***Allowable Subject Matter***

2. The following notice of allowance is in response to the amendment received on Jan 09, 2009. Applicants' remarks on amended independent claims 1, 17, and 18 are found persuasive. Claims 1, 4, 5, and 7-21 are allowed; and claims 2, 3, and 6 are cancelled.

3. Examiner's statement of reasons for allowance is stated below.

Regarding claim 1, the prior arts of the record fail to teach the combined steps of altering z-axis values of elements based on desirability and overlapping status of the elements and of determining the desirability of creating a composite elements based on compatibility of the types of multiple elements and based on comparison of a coverage area of a composite element to the sum of the coverage area of the multiple elements that form the composite element.

The similar reason for allowance applies to the other independent claims 17 and

Art Unit: 2625

18. The remaining claims are allowed accordingly due to their dependencies on the independent claims.

***Contact***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fan Zhang whose telephone number is (571) 270-3751. The examiner can normally be reached on Mon-Fri from 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark K. Zimmerman can be reached on (571) 272-7653. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Fan Zhang/

Patent Examiner

/Mark K Zimmerman/

Supervisory Patent Examiner, Art Unit 2625